

EXHIBIT D

JOSE D. SANTOS, on behalf of himself and
all others similarly situated,
PEDRO GONZALEZ-CRUZ,
FRANCISCO GONZALEZ, and JUAN HER
individually,

Plaintiffs,

- against -

FRASER CONSTRUCTION, INC.,
d/b/a FRASER CONSTRUCTION,
UNBUILDIT CONSTRUCTION CORP.,
d/b/a FRASER CONSTRUCTION,
UNBUILDIT SERVICES LTD.,
d/b/a FRASER CONSTRUCTION,
UNBUILDIT INC., d/b/a FRASER CONSTRUCTION,
and ROBERT FRASER and CHARLES FRASER,
individually,

Defendants.

No. 14 Civ. 7386 (SJF)(AKT)

DECLARATION OF JUAN HERNANDEZ

I, Juan Hernandez, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the following is true and correct:

1. I am a resident of the State of New York. I am a plaintiff in this action and I submit this declaration in support of the Plaintiffs' motion to the Court for an order permitting court supervised notification to potential class members.

2. I make this request to the Court because I am 1 of approximately 20 current and former laborers who were or currently are employed by Fraser Construction, Inc., d/b/a Fraser Construction, Unbuildit Construction Corp., d/b/a Fraser Construction, Unbuildit Services Ltd., d/b/a Fraser Construction, Unbuildit Inc., d/b/a Fraser Construction., Robert Fraser and Charles

Fraser's (collectively referred to herein as "Defendants"), who I believe were not properly compensated for all the hours they worked.

3. Defendants were and still are in the construction and demolition business in Suffolk County, State of New York.

4. I was employed by Defendants at their yard in Brentwood, New York from in or about November 2010 through July 2013.

5. My primary job duties as a laborer for Defendants included laying concrete, demolishing walls and other structures, and cleaning up the construction and demolition sites.

6. Throughout my employment with Defendants, my approximate weekly work schedule was as follows:

- Monday - 4:30 a.m. until 6:30 p.m.;
- Tuesday - 4:30 a.m. until 6:30 p.m.;
- Wednesday - 4:30 a.m. until 6:30 p.m.;
- Thursday - 4:30 a.m. until 6:30 p.m.;
- Friday - 4:30 a.m. until 6:30 p.m.; and
- I worked approximately three (3) Saturdays per month, from 4:30 a.m. until either 12:00 p.m. or 3:00 p.m.

7. Additionally, for approximately one (1) month in approximately 2012, Defendant required me, Jose D. Santos, Francisco Gonzalez, Pedro Gonzalez, Alan (last name unknown), and Juan Antonio to work from 6:00 a.m. until 1:30 a.m. the following day, for approximately five (5) days per week.

8. Additionally, for approximately for approximately four (4) months in approximately 2012, Defendant required me, Jose D. Santos, Francisco Gonzalez, Pedro Gonzalez, Alan (last name unknown), and Juan Antonio to work a specific job located in Bronx County. Defendant required we work from approximately 6:00 a.m. until approximately either 1:00 or 2:00 a.m. the following day, for approximately five (5) days per week.

9. Throughout my employment with Defendants, I often received a 15 minute break to eat breakfast and a 30 minute break to eat lunch during my workday.

10. My attorneys advised me that I should have been paid at time and one-half per hour for all hours worked in excess of 40 each workweek.

11. Although I regularly worked over 75 hours a week while employed by Defendants, I was never properly compensated for all of the work I performed in excess of 40 hours.

12. At any one time, Defendants employed approximately 25 employees including, but not limited to, Jose "Saul" D. Santos, Francisco Gonzalez, Pedro Gonzalez, Alan (last name unknown), Francisco (last name unknown), Giovanni (last name unknown), Kevin (last name unknown), Brian (last name unknown), John (last name unknown), Brian (last name unknown), Juan Antonio, Jorge (last name unknown), and other former co-workers whose names I currently do not remember, who had the same job duties as me and worked for Defendants.

13. I know that throughout my employment for Defendants, almost all of Defendants' laborers worked in excess of 40 hours a week, because we all worked in the same group. I also started my workday at 4:30 a.m. at the yard with Jose D. Santos, Francisco Gonzalez, Pedro Gonzalez, Alan (last name unknown), Danilo (last name unknown), and Juan Antonio. At approximately 6:00 a.m., I also witnessed each workday the remainder of my co-workers entering the yard, which included, but is not limited to: Francisco (last name unknown), Giovanni (last name unknown), Kevin (last name unknown), Brian (last name unknown), John (last name unknown), Brian (last name unknown), and Jorge. Additionally, I know what time my co-workers typically ended their workday each day, because we all worked together in the same group and we all returned to the yard at the same time and left the yard at the same time.

14. I also know that Defendants did not properly compensate my former co-workers, Jose “Saul” D. Santos, Francisco Gonzalez, Pedro Gonzalez, Alan (last name unknown), Francisco (last name unknown), Giovanni (last name unknown), Juan Antonio, Jorge (last name unknown), because we specifically discussed this matter amongst ourselves.

15. Specifically, I spoke with Jose “Saul” D. Santos, Francisco Gonzalez, Pedro Gonzalez, Juan Antonio, Giovanni (last name unknown), Alan (last name unknown), Francisco (last name unknown), Jorge (last name unknown) about not being paid properly on almost every Friday as we left Defendant’s yard and after we received our weekly pay from Defendant.

16. I am seeking for myself and for my former co-workers, the overtime pay and back wages that we are entitled to receive under the law.

17. I believe that my former co-workers are fearful to bring this case on their own, for fear of being retaliated against by the Defendants, in that they are fearful of being harassed, having their hours of work decreased, or being terminated.

18. I have decided to bring this lawsuit to recover wages owed to me by Defendants, and anticipate that other employees of the Defendants will join this litigation if they are provided with notice and an opportunity to join.

19. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Melville, New York
March 19, 2015

JUAN HERNANDEZ
JUAN HERNANDEZ

CERTIFICATE OF TRANSLATION

Pursuant to 29 U.S.C. § 1746, I, Marijana Matura, hereby declare under penalty of perjury that I am fluent in both Spanish and English, and that I translated the foregoing document from English to Spanish to Juan Hernandez.

Dated: Melville, New York
March 19, 2015



Marijana Matura